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UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

**STATE OF CALIFORNIA, BY AND  
THROUGH ATTORNEY GENERAL XAVIER  
BECERRA; COUNTY OF LOS ANGELES;  
CITY OF LOS ANGELES; CITY OF  
FREMONT; CITY OF LONG BEACH;  
CITY OF OAKLAND; CITY OF  
STOCKTON,**

Plaintiffs,

v.

**WILBUR L. ROSS, JR., in his official  
capacity as Secretary of the U.S.  
Department of Commerce; U.S.  
DEPARTMENT OF COMMERCE; RON  
JARMIN, in his official capacity as Acting  
Director of the U.S. Census Bureau; U.S.  
CENSUS BUREAU; DOES 1-100,**

Defendants.

Case No. 3:18-cv-01865-RS

**STIPULATION FOR HEARING AND  
BRIEFING DEADLINES RE:  
DISCOVERY OUTSIDE THE  
ADMINISTRATIVE RECORD;**

**[PROPOSED ORDER]** AS MODIFIED BY THE COURT

Dept: 3  
Judge: The Honorable Richard G.  
Seeborg

Trial Date: None Set  
Action Filed: March 26, 2018

1 Plaintiffs State of California, by and through Attorney General Xavier Becerra, County of  
2 Los Angeles, City of Los Angeles, City of Fremont, City of Long Beach, City of Oakland, and  
3 City of Stockton (collectively, "Plaintiffs") and Defendants Wilbur Ross, U.S. Department of  
4 Commerce, Ron Jarmin, and U.S. Census Bureau (collectively, "Defendants," and together with  
5 Plaintiffs, "the Parties") hereby stipulate as follows:

6 1. In its April 2, 2018, order, the Court set an initial status conference for June 28, 2018,  
7 at 10:00 a.m., in Courtroom 3 of this court.

8 2. Plaintiffs and Defendants disagree on whether discovery is appropriate in this action.  
9 Plaintiffs contend that discovery is appropriate and necessary, including because the First  
10 Amended Complaint includes a constitutional claim. Defendants contend that discovery is  
11 inappropriate because, notwithstanding any constitutional claim, Plaintiffs challenge a discrete,  
12 final agency action and this case should thus be decided on the administrative record compiled by  
13 the agency.

14 3. In order to resolve this disagreement so that the case may proceed expeditiously, the  
15 Parties stipulate and jointly ask the Court set a hearing on this issue for June 28, 2018, at 10:00  
16 a.m., the same time and date as the scheduled status conference.

17 4. The Parties also stipulate and jointly ask the Court to order the following briefing  
18 schedule prior to the June 28 hearing:

- 19 • Plaintiffs and Defendants shall submit simultaneous opening briefs, limited to 10  
20 pages, on June 14, 2018.
- 21 • Plaintiffs and Defendants shall submit simultaneous responding briefs, limited to  
22 6 pages, on June 21, 2018.

23 5. Defendants further note that, on May 22, 2018, this Court granted a motion to relate  
24 this case to Case No. 18-2279, a case challenging the same agency decision at issue here. *See*  
25 ECF No. 14. Given the similar facts and claims set forth in the complaints, Defendants propose  
26 that, at a minimum, briefing by the parties in both related cases should be simultaneous and that  
27 there may be other ways to best promote an efficient resolution of these actions and conserve  
28 judicial resources.

1           **IT IS SO STIPULATED.**

2  
3           Dated: June 4, 2018

Respectfully Submitted,

4           XAVIER BECERRA  
5           Attorney General of California  
6           MARK R. BECKINGTON  
7           Supervising Deputy Attorney General  
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10           /s/ Gabrielle D. Boutin  
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12           Deputy Attorney General  
13           Attorneys for Plaintiff State of California, by  
14           and through Attorney General Xavier  
15           Becerra

16           Dated: June 2, 2018

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28           Attorneys for Defendants

1 Dated: June 5, 2018

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7 Dated: June 5, 2018

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14 Dated: June 5, 2018

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1 Dated: June 4, 2018

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10 Dated: June 4, 2018

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~~PROPOSED~~ ORDER

Based on the Parties' STIPULATION FOR HEARING AND BRIEFING DEADLINES  
RE: DISCOVERY OUTSIDE THE ADMINISTRATIVE RECORD, the Court shall hear oral  
argument on whether the discovery is appropriate in this action on June 28, 2018, at 2:30 pm ~~10:00 a.m.~~ in  
Courtroom 3, 17th Floor, Phillip Burton Federal Building, 450 Golden Gate Avenue, San  
Francisco, CA 94102. Each party shall file opening briefs on this issue, not to exceed 10 pages,  
on June 14, 2018. Each party shall file responding briefs, not to exceed 6 pages, on June 21,  
2018.

IT IS SO ORDERED.

Dated: 6/6/18

  
HON. RICHARD SEEBORG  
United States District Judge